



## STATE OF NEW HAMPSHIRE POSTSECONDARY EDUCATION COMMISSION

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### MINUTES OF MEETING OF MARCH 26, 2009

The Postsecondary Education Commission met at 3 Barrell Court, Concord, New Hampshire at 9:30 a.m. on Thursday, March 26, 2009 to consider a rehearing. The following members were present:

Helen Giles-Gee, Chair  
Father Jonathan DeFelice, Vice Chair  
Stephen Appleby  
John Curran  
William Farrell [via Telephone]  
Lucille Jordan  
Paul LeBlanc  
David Mahoney [via Telephone]  
Stephen Reno  
Sara Jayne Steen  
Lyonel Tracy

The following persons also attended: James Kennedy, Legal Counsel; Susan Henderson, Vice President for Academic Affairs at River Valley Community College, John Rowe, Associate Professor of Nursing at the Massachusetts College of Pharmacy & Health Sciences [ via Telephone], Donald Wenz, President, Flora Meyer, Director, BSN Program, Susan Boyer, Executive Director of Vermont Nurses in Partnership, James Laffan, Esq., Legal Counsel, representing Lebanon College; Kathryn Dodge, Executive Director, Lynn West, Administrator of Career School Licensing, Catherine Yeager, Transcriptionist

- 1) Chair Giles-Gee called the meeting to order, welcomed everyone, and asked those present to introduce themselves.
- 2) Chair Giles-Gee stated that Lebanon College representatives had requested a rehearing for the Commission to reconsider its decision to withdraw Lebanon College's degree-granting authority to offer the Bachelor of Science in Nursing (RN to BSN) degree. Chair Giles-Gee asked via motion and the Commission agreed by majority vote that the Commission first determine if a rehearing was warranted. To that end, Vice Chair Giles-Gee asked that Lebanon College's representatives be given an opportunity to provide arguments as to why a rehearing was necessary.

James Laffan, Esq., spoke at length and presented a set of documents. Chair Giles-Gee requested that he only present facts that the Commission had not previously heard or that he considered very vital to the matter. James Kennedy, Esq., stated that the set of documents could not be accepted as evidence unless the Commission voted otherwise, as two Commissioners were appearing electronically and did not have access to them.

On the motion of Vice Chair DeFelice, seconded by Mr. Appleby, Commission members went into a non-public session for the purpose of discussing the acceptance of the set of documents.

The Commission returned to regular session without taking any votes. Chair Giles-Gee again requested a call of names. On the motion of Vice Chair DeFelice, seconded by Ms. Jordan, the Commission voted to permit Commissioners Farrell and Mahoney, who appeared electronically, to officially vote. The motion passed without dissent.

On the motion of Vice Chair DeFelice, seconded by Mr. Mahoney, the Commission voted that the materials would not be considered on the question of a motion for a rehearing by the Commission as these documents contained information previously perused by the Commission. The motion passed without dissent.

James Laffan, Esq., stated that the legal issue was whether the Commission should reconsider its vote as there may have been a mistake of fact or it might have acted procedurally in a way which did not afford due process to Lebanon College. Lebanon College representatives stated that together Flora Meyer and Susan Boyer met the requirement that Lebanon College hire at least one full-time nurse who had curriculum development experience at the baccalaureate level and had at least a Masters in Nursing when it partnered the administrative position with a curricular expert. The credential and experience of Ms. Boyer were reviewed. Ms. Boyer stated that her graduate degree was in administration and supervision. She stated that she had not developed nursing curricula on her own.

Mr. Reno moved, seconded by Mr. LeBlanc, to grant a rehearing.

Discussion followed. Ms. Jordan called the question. The Commission voted to accept the call for question. The motion to grant a rehearing was called. The motion was denied, with five yeas and six nays.

The meeting adjourned at 12:00 p.m.